



*United States Attorney  
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November 22, 2017

**Via E-Mail Only**

The Honorable William Alsup  
United States District Court  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Dawn\_Toland@cand.uscourts.gov

Re: *Waymo v. Uber*, 17-CV-0939-WA

Your Honor,

In the course of a United States' pending criminal investigation, the government interviewed a former Uber employee named Richard Jacobs. Mr. Jacobs informed the government that shortly after the Uber/Otto acquisition, Ed Russo (an Uber employee in the Strategic Services Group ("SSG")) gave a presentation in which he described a hypothetical scenario in which Uber's SSG could arrange to have two CEOs meet covertly for a long period of time prior to an acquisition of one company by another. Mr. Jacobs and other Uber employees believed that this "hypothetical" scenario was in fact a recounting of efforts taken by SSG to protect meetings between Travis Kalanick and Anthony Levandowski.

Mr. Jacobs further stated that Uber employees routinely used non-attributable electronic devices to store and transmit information that they wished to separate from Uber's official systems. He surmised that any wrongfully-obtained intellectual property could be stored on such devices, and that such action would prevent the intellectual property from being discovered in a review of Uber's systems.

Mr. Jacobs' attorney laid out the substance of these allegations in a May 5, 2017, letter to Angela Padilla, Uber's associate general counsel. Mr. Jacobs statements to the government were consistent with the allegations set forth in the letter.

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The government provides this information to the Court with the understanding that the Court will likely disclose it to the parties to the civil matter. If so, the government requests that this information be subject to the existing protective order in the case.

Very Truly Yours,

ALEX G. TSE  
Acting United States Attorney

/s/

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